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Alvin A. Coleman (1930-1995)

April 4, 2008

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VIA FACSIMILE – 212.805.6382

The Honorable Victor Marrero
United States District Judge
United States District Court
United States Courthouse
500 Pearl Street, Courtroom 20B
New York, New York 20007

RE: Days Inn Worldwide, Inc. vs. JBS Inc., II, a South Carolina Corporation; Jonathan B. Smith, an individual; and Marci Singleton Smith, an individual
Civil Action No.: 08-cv-0027 (VM)

Dear Judge Marrero:

Jonathan B. Smith, one of the Defendants in the above action, called me this morning, April 4, 2008, to discuss the above matter.

Mr. Smith also sent to me a copy of your Order scheduling a conference this morning at 9:45 A.M. in Courtroom 20B, at the United States Courthouse.

I explained to Mr. Smith that I am not licensed to practice law in United States District Court for the District of New York but that I would at least write a letter on his behalf. I am licensed to practice in the United States District Court for the District of South Carolina and my bar number is 269.

Mr. Smith respectfully requests a postponement of a hearing on this matter for ten (10) business days so that he can make arrangements to hire counsel in New York to file an appearance for all Defendants.

Mr. Smith further tells me that he has never been served with process as the Summons and Complaint were left at the home of his wife, Marci Singleton Smith, from

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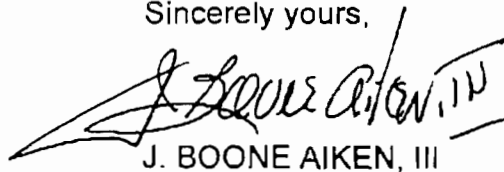
which he is separated and from which he was separated at the time of service.

It is my further understanding that Mr. Smith has spoken with Mr. Bryan P. Crouch, one of the attorneys for the Plaintiff, and offered to accept service at his own home or business address. Furthermore, Mr. Smith tells me he was under the impression that he had an extension of time in which to answer or otherwise offer any appearance in this matter.

Finally, Mr. Smith would like for all Defendants to have the opportunity to contest jurisdiction in New York since none of the Defendants own property, transact business, maintain agents, or have any connection with New York. Mr. Smith has visited New York one time in his life as a tourist.

Thank you for your consideration of this matter.

Sincerely yours,



J. BOONE AIKEN, III

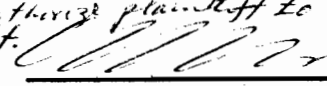
JBA,III/ana

cc: **VIA FACSIMILE - 973.535.9217**

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VIA FACSIMILE - 910.442.2850

Jonathan B. "Jay" Smith
977 Briarwood Drive
Myrtle Beach, SC 29572

Request GRANTED. The <i>initial status</i> conference herein is rescheduled to <u>4-25-08</u> at <u>9:30 am</u> . In the event defendants fail to appear in person or by counsel SO ORDERED. The Court will impose costs and authorize plaintiff to settle default.	
4-4-08	
DATE	VICTOR MARRERO, U.S.D.J.